

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CARLOS and CAROL MARTINO, :  
individually and on behalf of : HONORABLE JOSEPH E. IRENAS  
all those similarly situated, : CIVIL ACTION NO. 09-011 (JEI/JS)

v. :  
Plaintiffs, : ORDER GRANTING DEFENDANT  
EVERHOME MORTGAGE; and : EVERHOME'S MOTION TO DISMISS  
COOPER PERSKIE LEVISON APRIL : AND MOTION FOR LEAVE TO FILE  
NIEDELMAN & WAGENHEIM, P.A., : AN OVERLENGTH BRIEF (Docket  
Defendants. : Nos. 5 & 7) AND GRANTING  
: DEFENDANT COOPER'S MOTION  
: TO DISMISS (Docket No. 11)

**APPEARANCES:**

LAW OFFICE OF LEWIS G. ADLER  
By: Roger C. Mattson, Esq.  
Lewis G. Adler, Esq.  
26 Newton Avenue  
Woodbury, New Jersey 08096  
Counsel for Plaintiffs

ARCHER & GREINER, P.C.  
By: Sean T. O'Meara, Esq.  
One Centennial Square  
Haddonfield, New Jersey 08033  
Counsel for Defendant EverHome Mortgage Company

COOPER LEVISON APRIL NIEDELMAN & WAGENHEIM, P.A.  
By: Fredric L. Shenkman, Esq.  
1125 Atlantic Avenue, 3<sup>rd</sup> Floor  
Atlantic City, New Jersey 08401

**IRENAS, Senior District Judge:**

This matter appearing before the Court upon Defendant  
EverHome Mortgage Company's ("Everhome") Motion to Dismiss and

Motion for Leave to File an Overlength Reply Brief (Docket Nos. 5 and 7), and Defendant Cooper Levenson April Niedelman & Wagenheim, P.A.'s ("Cooper") Motion to Dismiss (Docket No. 11), the Court having considered the submissions of the parties, and for the reasons set forth in an Opinion issued on even date herewith, which findings of fact and conclusions of law are hereby incorporated herein by reference, and for good cause appearing,

**IT IS** on this 31st day of July, 2009,

**ORDERED THAT:**

- (1) Defendant EverHome's Motion for Leave to File an Overlength Reply Brief (Docket # 7) is hereby **GRANTED NUNC PRO TUNC** to the day of the brief's filing.
- (2) Defendant Everhome's Motion to Dismiss (Docket # 5) is hereby **GRANTED**.
- (3) Defendant Cooper's Motion to Dismiss (Docket # 11) is hereby **GRANTED**.
- (4) Plaintiffs are hereby **GRANTED LEAVE** within 30 days of the date of this Order, to file a Motion to Amend the Complaint. The motion shall have attached to it the proposed Amended Complaint in its entirety. If no such

motion is filed within the time allotted, the Court will direct the Clerk of Court to terminate this case.

s/ Joseph E. Irenas  
JOSEPH E. IRENAS, S.U.S.D.J.